

Before the Board of Zoning Adjustment, D. C.

Application No. 11985, of Jonathan Woodner Company, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under paragraph 3104.44 to permit the continued use of a parking lot in the R-4 District at the premises 1634 Oak Street, N. W., (Square 2621, Lots 352, 353, 354, and part of 839).

HEARING DATE: December 17, 1975

DECISION DATE: May 25, 1976

FINDINGS OF FACT:

1. The property is located in a R-4 District.
2. The property is currently used as a parking lot under the terms of BZA Order No. 11414. Certificate of Occupancy No. B-87838 was issued on January 23, 1974 to cover this use.
3. The parking lot was originally established in 1961 and serves exclusively the tenants of the apartments in the Woodner property at 3636 - 16th Street, N. W.
4. When approved by the Board in Case No. 11414, the applicable lot numbers cited were "352, 353, Part of 354, and 839."
5. Although the size and shape of the lots have not changed the present application cites "352, 353, 354, and part of 839".
6. At the public hearing, the 17th Street Neighborhood Council and the Board requested that the applicant resolve the difference between these numbers. Subsequently, the applicant submitted an amended application, dated April 26, 1976, marked as Exhibit A-1 in the file, which cites lots "part of 352, 353, 354, 840, 358 and part of 839."
7. The applicant also submitted a plat plan, dated December 9, 1965, marked as Exhibit A-3 in the file, which shows the exact area devoted to parking. There has been no change in that area, and the applicant stated there will be no future expansion of that area.

8. The applicant and the "17th" Street Neighborhood Council have agreed to a series of conditions regarding the use and maintenance of this parking lot, dated April 22, 1976, and marked as Exhibit A-2 in the file.

9. The applicant has complied with all of the conditions of the Board's Order in Case No. 11414.

10. The Department of Transportation, by report dated June 27, 1975, offered no objection to the continued use of the parking lot.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the area used for parking has not changed since previous approval, and that the lot is operating consistent with prior approvals from the Board. The Board concludes that there will be no adverse neighborhood impacts if the lot is properly controlled. It is therefore ordered that the application be GRANTED subject to the following conditions:

1. The area used for parking shall include Lots 353, 354, 358, 840 and parts of lots 352 and 839 as shown on the plat marked as Exhibit A-3 in the file.
2. The applicant shall be subject to the conditions as set forth in the agreement with the "17th" Street Neighborhood Council, marked as Exhibit A-2 in the file and as set forth below:
 - a. The applicant shall not enlarge the existing parking area beyond its present status.
 - b. Debris and trash will be removed from receptacles placed in the parking lot and in and around the parking areas.
 - c. The safety lights presently installed from the Woodner roof are confined to the surface of the parking area.
 - d. The old branches from the trees recently cut will be removed. Weeds and bushes on Lot #351 and part of

352 near "17th" Street will be trimmed during the summer season.

e. The applicant will continue to exterminate the area around the Woodner and the parking lot, including the vacant space in lot 351 and 352 for rats.

3. The applicant shall continue to comply with all other conditions as set forth in BZA Order No. 11414.

4. Approval shall be for a period of one (1) year so that the Board may review the parking lot and determine whether its conditions are being complied with.

VOTE: 4-0 (Williams F. McIntosh, Lilla Burt Cummings, Esq., William S. Harps, and Walter B. Lewis to grant, Leonard L. McCants not voting having recused himself).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: _____

Steven E. Sher

STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THE ORDER: JUN 10 1976

THIS ORDER SHALL BE VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.